

REMARKS

The Office Action mailed 26 November 2001 has been received and considered.

REJECTION UNDER 35 U.S.C. 102:

Claim 1 stands rejected under 35 U.S.C. 102 over Veenma. Applicant respectfully traverses the rejection.

Under established case law, in order to reject claim 1 under 35 U.S.C. 102, the Veenema reference must contain all of the claimed elements identified in the text of claim 1. See *Hybritech Inc. v. Monoclonal Antibodies. Inc.*, 231 USPQ 81,90 (Fed. Cir. 1986); *In re Donohue*, 226 USPQ 619,621 (Fed. Cir. 1986). Applicant respectfully submits that the Veenema reference does not teach nor suggest a number of the elements set forth in the text of claim 1.

Applicant submits that claim 1 is directed to a passageway defined within a boarding bridge associated with an aircraft terminal building and a docked aircraft. It is maintained that the contextual setting of the passageway in the environment of a boarding bridge constitutes a claim limitation which must be taught in the Veenema reference in order for the rejection under 35 USC 102 to stand.

Applicant has amended the claim to delete the term "adapted" from the text of the claim. In view of this deletion, applicant submits that the claim is presently in proper Jepson-style claim format. Accordingly, applicant submits that the preamble of the claim, directed to a passageway within a **boarding bridge** for facilitating passage between an aircraft terminal and a docked aircraft now constitutes a proper claim limitation which can be relied upon to distinguish the claim over the cited art. In this regard, applicant respectfully directs the Examiner's attention to the decision of the Court of Appeals for the Federal Circuit (CAFC) in *Rowe v. Dror*, 42 USPQ2d 1550,1553 (1997) wherein the Court indicated that with Jepson-style improvement claims, the preamble of

the claim constitutes a valid claim limitation which can be relied upon to distinguish over the prior art.

The preamble of claim 1 specifically confines the invention to a aircraft boarding bridge which provides passage between an aircraft terminal and a docked aircraft. Applicant respectfully submits that the Veenema reference neither teaches nor suggests a structure for use as an aircraft boarding bridge. Instead, Veenema is directed to a container assembly. Veenema does not appear to contain any teaching or suggestion that the container assembly defines a passageway between an aircraft terminal building and a docked aircraft. Furthermore, Veenema contains no teaching or suggestion that the container assembly defines a passageway for providing travel between a terminal building and a docked aircraft. In fact such a passage or pathway appears precluded in the Veenema construction by the endpanels (15). See Fig. 4 and Col. 3, lines 43-64. Special attention is directed to Col. 3, lines 57-59 wherein Veenema indicates that the container assembly is constructed to be **completely sealed**. Applicant submits that a container which is completely sealed precludes the claimed function of a passageway. Applicant respectfully maintains that the Veenema is directed to a container structure which is constructed to receive and retain an article. The Veenema container is not intended to function as a passageway nor does it define a pathway for travel between an aircraft terminal building and a docked aircraft.

Furthermore, the Veenema reference neither teaches nor suggests a structure wherein the floor element, the wall elements or the ceiling element is fabricated from a pultruded panel. Central to applicant's invention is the use of **pultruded** panels for use in constructing one or more of the referenced elements. Applicant respectfully submits that Veenema neither teaches nor suggests the use of pultruded panels in constructing the floor, wall or ceiling elements of its container assembly.

Applicant respectfully submits that the Veenema reference neither teaches nor suggests a passageway in a boarding bridge for travel between an aircraft terminal building and a docked

aircraft. Veenema furthermore neither teaches nor suggests a passageway constructed from floor, wall or ceiling elements wherein at least one of those elements is fabricated from a pultruded panel. In the absence of such teachings applicant respectfully submits that the rejection under 35 USC 102 is not properly supported and therefore must be withdrawn.

**REJECTION OF CLAIM 2 UNDER 35 USC 103:**

Claim 2 stands rejected under 35 USC 103 over Veenema in view of Shephard. Applicant respectfully traverses the rejection.

As noted above, Veenema neither teaches nor suggests the fabrication of a floor, wall or ceiling panel of an aircraft boarding bridge passageway from a pultruded panel. Similarly, Shephard likewise neither teaches nor suggests the fabrication of a boarding bridge passageway from pultruded panels. Instead, Shephard teaches the placement of an armoured carrier 42 along the exterior surface of a boarding bridge. Shephard neither teaches nor suggests the advisability of positioning such a carrier within the wall structure of the boarding bridge. On the contrary, Shephard is specifically directed to providing a separate structure positioned on the exterior surface of the boarding bridge structure. Veenema teaches a solid panel construction. Veenema neither teaches nor suggests the use of panels which define interior channels within the wall panels themselves for use in containing utility wiring. A combination of the teachings of Veenema with those of Shephard would not suggest the use of a wall panel which defines a hollow channel for purposes of housing utility wiring for the boarding bridge.

Shephard neither teaches nor suggests the possibility of constructing the walls of the boarding bridge from a pultruded panel having a structure which would permit the installation of wiring within such a pultruded panel. Applicant respectfully submits that there is no motivation to combine the teachings of Veenema with those of Shephard. Furthermore, even assuming *arguendo* that such a combination were possible, any structure which would be suggested by such a combination would not be the structure made subject to claim 2. Applicant respectfully

submits that the rejection of claim 2 under 35 USC 103 is without proper basis and therefore it must be withdrawn.

**REJECTION OF CLAIMS 3-10 UNDER 35 USC 103:**

Claims 3-10 stand rejected under 35 USC 103 over Veenema. Applicant respectfully traverses the rejection. As noted above, all of the claims of the instant application, including claims 3-10 are directed to a aircraft boarding bridge passageway constructed of a floor, wall or ceiling panel which is fabricated from a **pultruded** panel. Furthermore, claims 3-10 have now been amended to require that the pultruded panel have a honeycomb cross section. Veenema neither teaches nor suggests an aircraft boarding bridge nor the use of pultruded panels for constructing a floor, wall or ceiling panel for such a passageway. Furthermore, Veenema does not teach nor suggest a pultruded panel having a honeycomb cross section.

The Examiner has indicated that established case law holds that duplication of parts does not produce a patentable feature. Applicant respectfully submits that the instant claims are distinguishable over the logic advanced by the Examiner. The instant claims are directed to pultruded panels, namely panels which are produced by a pultrusion process. Such panels, by definition, have a length which exceeds by orders of magnitude the width of such panels.

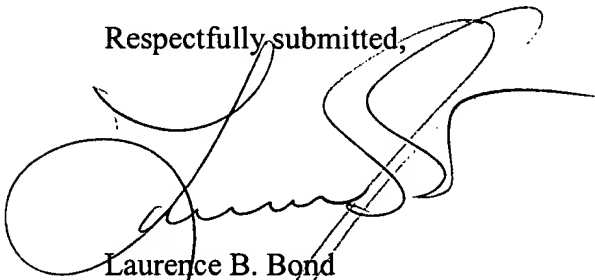
Applicant's claims are directed to a structure wherein the panel is formed by the side by side placement of multiple panels to build up a wall panel of sufficient width to be usable to form a floor, wall or ceiling panel. From the art of record, the Applicant alone has suggested the use of pultruded panels to construct floor, wall and ceiling panels for use in constructing boarding bridge passageways. The Examiner has provided no reference which teaches nor suggests the use of pultruded panels for this purpose. While use of multiple parts may not provide patentability in some instances, this is not a blanket preclusion. The instant claims are directed to a novel construction of a boarding bridge from special types of panels which individually are not susceptible to forming the required structural elements of the boarding bridge. An association of

various pultruded panels to form the bridge passageway is therefore not intuitively obvious. In the absence of such a teaching or suggestion, applicant respectfully submits that a rejection under 35 USC 103 is not properly supported and therefore must be withdrawn.

**CONCLUSION:**

In view of the present amendments and the arguments advanced , applicant respectfully requests reconsideration of its application.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Laurence B. Bond', is written over the typed name and extends upwards into the 'Respectfully submitted,' line.

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APPENDIX A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) In a boarding bridge [adapted for facilitating passage] a passageway which defines a pathway for travel between an aircraft terminal and a docked aircraft, a passageway comprising:
  - a floor element;
  - two wall elements positioned atop said floor element, said wall elements being positioned spacedly apart from one another and extending uprightly from said floor element;
  - a ceiling element positioned atop said two wall elements;
  - wherein said floor element, said wall elements and said ceiling element are fabricated from at least one pultruded panel.
2. (Amended) The passageway of claim 1 wherein said at least one pultruded panel defines a honeycomb cross section and at least one [an] elongate channel therein dimensioned to receive and retain wiring for servicing said passageway.
3. (Amended) The passageway of claim 1 wherein said floor element, said wall elements and said ceiling element are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels being oriented parallel to a longitudinal axis of said passageway.

4. The passageway of claim 1 wherein said wall elements are each fabricated from a plurality of pultruded panels, each of said pultruded panels defining a honeycomb cross-section and having a longitudinal axis, said longitudinal axes of said pultruded panels of said wall elements being oriented orthogonal to a longitudinal axis of said passageway.
  
6. A passageway for placement between an aircraft terminal and an aircraft for interconnecting said aircraft terminal with said aircraft, said passageway comprising:
  - a plurality of passageway modules, each module comprising:
    - a floor element;
    - two wall elements positioned atop said floor element, said wall elements being positioned spacedly apart from one another and extending uprightly from said floor element;
    - a ceiling element positioned atop said two wall elements;
  - wherein said floor element, said wall elements and said ceiling element are fabricated from at least one pultruded panel defining a honeycomb cross section; and
  - connection structure for interconnecting said modules, one to another at their respective ends to form a continuous passageway.